

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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COMPLAINT OF MICHAEL HAMMOND

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Docket No. C2008-1

SETTLEMENT REPORT OF THE UNITED STATES POSTAL SERVICE  
(January 18, 2008)

Pursuant to Order No. 52 (January 3, 2008), the United States Postal Service hereby submits a settlement report. This matter was initiated by the Complaint of Michael Hammond, dated and faxed to the Postal Regulatory Commission (PRC or Commission) on November 2, 2007. By letter to Mary Ann Gibbons, Senior Vice President and General Counsel, dated December 4, 2007, the Commission notified the Postal Service that it was accepting and docketing Mr. Hammond's complaint as Docket No. C2008-1.

The crux of Mr. Hammond's complaint is delivery by the Postal Service of mail to a delivery receptacle collocated with his residence. On August 24, 2007, several months before faxing his Complaint to the Commission, Complainant Hammond filed a lawsuit in the District of New Hampshire that also relates to delivery by the Postal Service of mail to this delivery receptacle.<sup>1</sup> Undersigned counsel was advised of this federal court litigation, also initiated by Complainant and his counsel in the instant Complaint, when inquiry was made to field postal

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<sup>1</sup> Michael Hammond v. U.S. Postal Service, Civ. No. 07-268-SM, U.S.D.C., D.N.H. In addition to the matter of delivery to plaintiff's delivery receptacle, this federal case includes a Freedom of Information Act count focused upon documentation of the decision to stop delivery to plaintiff's delivery receptacle in the location it had apparently occupied for several years.

officials after its receipt . As a consequence, handling of this matter has been coordinated with field counsel for the Postal Service and the office of the United States Attorney for the District of New Hampshire.

Such coordination extends to settlement offers made by and through the Assistant United States Attorney (AUSA) handling the federal court litigation and to exploration with field officials of conditions surrounding delivery to Complainant's delivery receptacle. Counsel for Plaintiff/Complainant has been consistent in responding to all attempts at settlement: after rejecting the AUSA's initial offer to attempt resolution of the litigation, counsel has not responded to any further overtures by the AUSA, including an offer to resume delivery without any need to alter the location of the mail receptacle. However, coordination with field officials did result in the unilateral resumption by the Postal Service of delivery to Complainant's residence early this month.

The resumption of delivery to Complainant's delivery receptacle effectively moots the foundation for the instant Complaint. While the Complaint makes a variety of allegations, the only ones clearly cognizable by the Commission relate to the provision of postal services: delivery of mail to Complainant's delivery receptacle in its current location. While the Postal Service originally sought relocation of that receptacle to somewhere nearby, Complainant clearly does not share that interest.

Complaint's range of allegations amply illustrate that the scope of Complainant's problems with delivery are highly specific to his unique situation, the withdrawal of delivery to a single delivery receptacle located in a particular place on Complainant's real property. No situation could better exemplify the

description in Rule 82, 39 C.F.R. § 3001.82,

The Commission shall entertain only those complaints which clearly raise an issue concerning whether or not rates or services contravene the policies of the Act; thus, complaints raising a question as to whether the Postal Service has properly applied its existing rates and fees or mail classification schedule to a particular mail user or with regard to **an individual, localized, or temporary service issue not on a substantially nationwide basis** shall generally not be considered as properly raising a matter of policy to be considered by the Commission.

[Emphasis added here.]

In light of Complainant/Plaintiff having literally made a federal court case out of delivery to his residence, and the lack of response to various overtures by the AUSA handling that federal case whose merits coincide with allegations raised before the Commission, the Postal Service finds that it has no choice but to report to the Commission, in response to Order No. 52, that “settlement is unlikely.”<sup>2</sup> Also in conformity with that Order, the Postal Service commits to the filing of its Answer in this matter on or before January 25, 2008.

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
By its attorney:

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<sup>2</sup> Order No. 52 at 2.